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capacity

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

TODD YUKUTAKE and DAVID) Civil No. 19-578 (JMS-RT)
KIKUKAWA)
)
Plaintiffs,) JOINT MOTION TO SUSPEND
) PRETRIAL AND TRIAL DEADLINES;
v.) CERTIFICATE OF SERVICE
)
CLARE E. CONNORS, in her)
Official Capacity as the Attorney)
General of the State of Hawaii and)
the CITY and COUNTY of)JURY TRIAL: January 12, 2021 9AM
HONOLULU)JUDGE: Hon. J. Michael Seabright
)HEARING: October 19, 2020 10AM
Defendants.)
_____)

JOINT MOTION TO SUSPEND PRETRIAL AND TRIAL DEADLINES

Plaintiffs Todd Yukutake and David Kikukawa and Defendant Clare E. Connors respectfully file their Joint Motion to Suspend Pretrial and Trial Deadlines, and would show unto the Court the following:

1. This action was filed on October 24, 2019.
2. The Rule 16 Scheduling Order was entered on January 8, 2020 which set the date for a jury trial¹ in this matter on January 12, 2021 at 9:00 AM. [ECF# 27].
3. The final pretrial conference is set for December 1, 2020 at 9:00 AM.
4. A settlement conference is currently scheduled for October 13, 2020 at 10 AM.
5. Other pretrial filing deadlines, including witness lists, exhibit lists, and trial briefs are set to be filed and served in November 2020 and early December 2020.
6. This Court set for hearing Plaintiffs' and Defendants' cross motions for summary judgment on October 19, 2020 at 10:00 AM.
7. As of October 5, 2020, the parties will have fully briefed their respective motions for summary judgment.
8. The parties will expend significant time and resources in preparation of pretrial materials, including preparation of documents and witnesses for trial, and

¹ Defendant City and County of Honolulu initially requested the jury trial. *See* Dkt. No. 19. That Defendant settled the claims against it and has subsequently been dismissed from this case. *See* Dkt. No. 53.

otherwise preparing for trial on Plaintiffs' claims which may be resolved on summary judgment.

9. Likewise, the Court will be burdened with the additional required filings which may or may not ultimately be necessary given the procedural posture of this matter.

10. The Supreme Court has stated that "the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S. Ct. 163, 166 (1936).

11. To allow the Court sufficient time to consider the cross motions for summary judgment and all the evidence and issues before it, and to prevent the parties expenditure of significant time and resources preparing all claims and defenses for this jury trial, and to prevent the additional burdening of the Court's resources, the parties request that the Court suspend the pretrial and trial deadlines in this case pending its ruling on the parties' cross motions for summary judgment. Following this Court's ruling on the parties' cross motions for summary judgment, the parties request that the Court enter a new scheduling order setting deadlines as appropriate if it is necessary to do so.

12. The parties do not request this continuance for purposes of delay, but so that justice may be done.

Respectfully submitted, this the 21st day of August, 2020.

/s/ Alan Beck

Alan Alexander Beck

/s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh

Stamboulieh Law, PLLC

**Admitted Pro Hac Vice*

/s/ Kendall J. Moser (with permission)

CARON M. INAGAKI

KENDALL J. MOSER

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